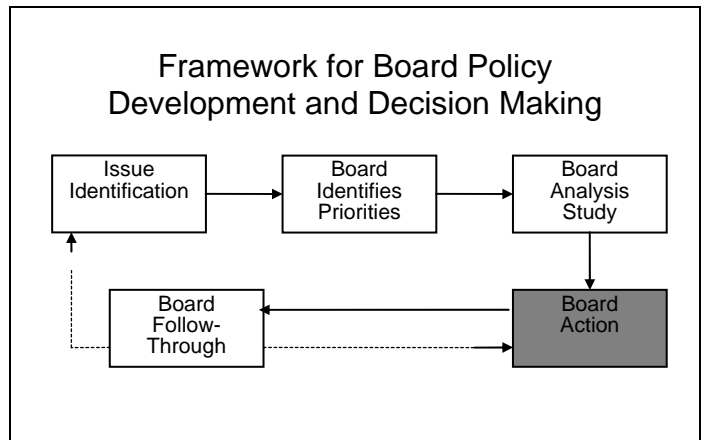


Iowa State Board of Education

Executive Summary

November 14, 2007



Agenda Item: Chapter 12 rules, General Accreditation Standards (Adopt)

Iowa Goal: (2) All K-12 students will achieve at high levels, prepared for success beyond high school.

Equity Impact Statement: All school districts and accredited nonpublic schools are governed by the accreditation standards. The addition herein of two additional protected classifications for nondiscrimination purposes and the new anti-bullying/harassment policies are particularly valuable for achieving equitable treatment of students.

Presenter: None (Consent Agendum)

Attachments: 1

Recommendation: It is recommended that the State Board adopt and file the following amendments to this chapter.

Background: 2007 Iowa Acts added two additional protected classes to Iowa's Civil Rights Act. The first item herein amends the corresponding rule to reflect that education programs are not to discriminate on the basis of the added characteristics of sexual orientation and gender identity. Also, the statewide voluntary preschool program clarified that a preschool program established pursuant to chapter 256C must meet accreditation standards on the same basis as any prekindergarten program offered by a school district. Therefore, Item 2 includes a definition in the accreditation rules to comply therewith. The remainder of these rules implement the establishment of state and school anti-harassment and anti-bullying policies.

Public hearing was held September 11. No one appeared and no written comments were received.

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education amends Chapter 12, "General Accreditation Standards," Iowa Administrative Code.

These amendments incorporate into rule a number of statutory amendments from 2007 Iowa Acts, Senate Files 61 and 427 and House File 877: adding two additional protected classes to those already listed in Iowa Code chapter 216; clarifying that a preschool program established pursuant to 2007 Iowa Acts, House File 877, section 2, must meet accreditation standards on the same basis as any prekindergarten program offered by a school district; defining the new school antiharassment and antibullying policy created in 2007 Iowa Acts, Senate File 61, section 2; and adding a new duty to those previously enumerated for school improvement advisory committees.

An agency wide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the August 15, 2007 Iowa Administrative Bulletin as ARC6161B. A public hearing was held on September 11, 2007, and public comments were allowed until 4:30 p.m. September 11, 2007. No one appeared at the public hearing (which was narrowcast by way of the Iowa Communication Network to 15 remote sites in addition to the origination site); no written comments were received by the agency.

Since the Notice of Intended action was published, some items have been changed. Those changes are as follows:

Preamble: Insertion of sexual orientation and gender identity were inadvertently omitted from the preamble to chapter 12 in the third unnumbered paragraph thereof. This was an oversight caught by agency staff.

Subrule 12.3(13), paragraph "b:" At the request of a member of the Administrative Rules Review Committee, a sentence was added as follows: "The local board policy must set forth all 17 of the above enumerated traits or characteristics, but does not need to be limited to the 17 enumerated traits or characteristics."

Subparagraph 12.8(1)"a"(2): The reference to enabling statute was corrected after this error was pointed out by House caucus staff.

These amendments are intended to implement 2007 Iowa Acts, Senate Files 427 and 61 and House File 877.

These amendments shall become effective January 9, 2008.

The following amendments are adopted.

ITEM 1. Amend the third unnumbered paragraph in the Preamble as follows:

General accreditation standards are intended to fulfill the state's responsibility for making available an appropriate educational program that has high expectations for all students in Iowa. The accreditation standards ensure that each child has access to an educational program that meets the needs and abilities of the child regardless of race, color, national origin, gender, disability, religion, creed, marital status, geographic location, sexual orientation, gender identity, or socioeconomic background.

ITEM 2. Amend subrule 12.1(1) as follows:

12.1(1) Schools and school districts governed by general accreditation standards. These standards govern the accreditation of all prekindergarten, if offered, or kindergarten through grade 12 school districts operated by public school corporations and the accreditation, if requested, of prekindergarten or kindergarten through grade 12 schools operated under nonpublic auspices. Each school district shall take affirmative steps to integrate students in attendance centers and courses. Schools and school districts shall collect and annually review district, attendance center, and course enrollment data on the basis of race, national origin, gender, and disability. Equal opportunity in programs shall be provided to all students regardless of race, color, national origin, gender, sexual orientation as defined in Iowa Code section 216.2 as amended by 2007 Iowa Acts, Senate File 427, section 1, gender identity as defined in Iowa Code section 216.2 as amended by 2007 Iowa Acts, Senate File 427, section 1, socioeconomic status, disability, religion, or creed. Nothing in this rule shall be construed as prohibiting any bona fide religious institution from imposing qualifications based upon religion when such qualifications are related to a bona fide religious purpose.

ITEM 3. Amend rule **281—12.2(256)** by adding the following new definition in alphabetical order:

“Prekindergarten program” includes a school district’s implementation of the preschool program established pursuant to 2007 Iowa Acts, House File 877, section 2, and is otherwise described herein in subrule 12.5(1).

ITEM 4. Amend subrule 12.3(6) as follows:

12.3(6) Student responsibility and discipline. The board shall adopt student responsibility and discipline policies as required by Iowa Code section 279.8. The board shall involve parents, students, instructional and noninstructional professional staff, and community members in the development and revision of those policies where practicable or unless specific policy is mandated by legislation. The policies shall relate to the educational purposes of the school or school district. The policies shall include, but are not limited to, the following: attendance; use of tobacco; the use or possession of alcoholic beverages or any controlled substance; harassment of or by students and staff as detailed in subrule 12.3(13); violent, destructive, and seriously disruptive behavior; suspension, expulsion, emergency removal, weapons, and physical restraint; out-of-school behavior; participation in extracurricular activities; academic progress; and citizenship.

The policies shall ensure due process rights for students and parents, including consideration for students who have been identified as requiring special education programs and services.

The board shall also consider the potential, disparate impact of the policies on students because of race, color, national origin, gender, sexual orientation as defined in Iowa Code section 216.2 as amended by 2007 Iowa Acts, Senate File 427, section 1, gender identity as defined in Iowa Code section 216.2 as amended by 2007 Iowa Acts, Senate File 427, section 1, disability, religion, creed, or socioeconomic ~~background~~ status.

The board shall publicize its support of these policies, its support of the staff in enforcing them, and the staff's accountability for implementing them.

ITEM 5. Adopt **new** subrule 12.3(13) as follows:

12.3(13) Policy declaring harassment and bullying against state and school policy. The policy adopted by the board regarding harassment of or by students and staff shall declare harassment and bullying in schools, on school property, and at any school function or school-sponsored activity regardless of its location to be against state and school policy. The board shall make a copy of the policy available to all school employees, volunteers, students, and parents or guardians and shall take all appropriate steps to bring the policy against harassment and bullying and the responsibilities set forth in the policy to the attention of school employees, volunteers, students, and parents or guardians. Each policy shall, at a minimum, include all of the following components:

a. A statement declaring harassment and bullying to be against state and school policy. The statement shall include but not be limited to the following provisions:

(1) School employees, volunteers, and students in school, on school property, or at any school function or school-sponsored activity shall not engage in harassing and bullying behavior.

(2) School employees, volunteers, and students shall not engage in reprisal, retaliation, or false accusation against a victim, a witness, or an individual who has reliable information about such an act of harassment or bullying.

b. A definition of harassment and bullying consistent with the following: Harassment and bullying shall be construed to mean any electronic, written, verbal, or physical act or conduct toward a student which is based on the student's actual or perceived age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status, and which creates an objectively hostile school environment that meets one or more of the following conditions:

- (1) Places the student in reasonable fear of harm to the student's person or property.
- (2) Has a substantially detrimental effect on the student's physical or mental health.
- (3) Has the effect of substantially interfering with a student's academic performance.
- (4) Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

The local board policy must set forth all 17 of the above enumerated traits or characteristics, but does not need to be limited to the 17 enumerated traits or characteristics.

c. A description of the type of behavior expected from school employees, volunteers, parents or guardians, and students relative to prevention, reporting, and investigation of harassment or bullying.

d. The consequences and appropriate remedial action for a person who violates the antiharassment and antibullying policy.

e. A procedure for reporting an act of harassment or bullying, including the identification by job title of the school official responsible for ensuring that the policy is implemented, and the identification of the person or persons responsible for receiving reports of harassment or bullying.

f. A procedure for the prompt investigation of complaints, identifying either the school superintendent or the superintendent's designee as the individual responsible for conducting the investigation, including a statement that investigators will consider the totality of circumstances presented in determining whether conduct objectively constitutes harassment or bullying under this subrule.

g. A statement of the manner in which the policy will be publicized.

The board shall integrate its policy into its comprehensive school improvement plan. The board shall develop and maintain a system to collect harassment and bullying incidence data, and report such data, on forms specified by the department, to the local community and to the department.

ITEM 6. Amend subparagraph **12.8(1)“a”(2)** as follows:

(2) School improvement advisory committee. To meet requirements of Iowa Code section 280.12(2) as amended by 2007 Iowa Acts, Senate File 61, section 1, the board shall appoint and charge a school improvement advisory committee to make recommendations to the board. Based on the committee members' analysis of the needs assessment data, they shall make recommendations to the board about the following components:

1. Major educational needs;
2. Student learning goals; ~~and~~
3. Long-range goals that include, but are not limited to, the state indicators that address reading, mathematics, and science achievement; and
4. Harassment or bullying prevention goals, programs, training, and other initiatives.